

REMARKS

Applicants respond to the Office Action of November 3, 2009. Claims 1, 4-6 and 15-19 are pending in the application. Claims 1, 4, 5, 15, 17 and 18 have been amended. Claims 2, 3 and 7-14 have been canceled.

Rejections under 35 U.S.C. §112:

Claims 1 and 3-16 have been rejected under 35 U.S.C. §112, first paragraph. It is the Examiner's position that the specification does not reasonably provide enablement for solvents other than 1-propanol. The Examiner contends that Example 7 used 2-pentanol, Example 8 used 1-pentanol, Example 9 used t-amyl alcohol and Example 10 used 1-propanol, but the actual products are solvates of both water and alcohol, and such compounds do not fall within claim 1.

Applicants have amended claim 1 to recite that the solvate comprises 2-propanol. The solvate recited in the claims is fully supported by the 2-propanol solvate of Examples 2 and 3, as well as by additional disclosures of the specification. In view of the amendment to claim 1, Applicants respectfully request withdrawal of the rejection.

Claims 7-14 have been rejected under 35 U.S.C. §112, second paragraph. The Examiner contends that the compounds of claims 7, 9, 11 and 13 are not described correctly because they are actually solvate hydrates.

In view of the cancelation of claims 7, 9, 11 and 13, the rejection is moot.

Claim 19 has been rejected under 35 U.S.C. §112, first paragraph, because the specification does not reasonably providing enablement for the solvate. It is the Examiner's position that applicants have not shown that Formula II, which is an acid, forms the hydrate of claim 19.

Applicants respectfully traverse the rejection, as the specification, and in particular, Example 6, provides enablement for the subject matter of claim 19. Withdrawal of the rejection is respectfully requested.

Claim 17 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner states that it is not clear whether the solvate is a required feature or an alternative. Applicants have amended claim 17 to include the

term "or" before the term "solvate" in line 4. Withdrawal of the rejection is respectfully requested.

Objection to the Specification:

The Examiner has objected to the specification, stating that Examples 7-10 appear to be defective because the compounds are listed as hydrates, and yet water was not used as an added ingredient. The Examiner appears to unreasonably question the results obtained in these examples and requires Applicants to definitively provide evidence as to the source of the water.

Applicants respectfully submit that such definitive evidence is not required. Nevertheless, because claims 7-14 have been canceled, Examples 7-10 are no longer particularly relevant, and the objection to the specification is moot.

Objection to the Claims:

Claims 7-19 have been objected to as improperly dependent on claim 1. It is the Examiner's position that claim 1 does not provide support for hydrates.

In view of the amendment to claim 1 and the cancelation of claims 7-14, Applicants respectfully submit that the objection has been overcome.

Conclusion:

Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is respectfully solicited.

In the event there are any issues the Examiner would like to discuss with the undersigned attorney, it is requested that he contact the undersigned by telephone.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. SHIOP0100US.

Respectfully submitted,
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